

EXHIBIT 4

UNITED STATES DISTRICT COURT

for the
DISTRICT OF IDAHO

DISNEY ENTERPRISES, INC., ET AL

Plaintiff

v.

HOTFILE CORP., ET AL

Defendant

Civil Action No. 11-20427-JORDAN

(If the action is pending in another district, state where:
Southern District of Florida)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

DtecNet, Inc., 391 D. Ancestor Place, Suite 150, Boise, Idaho 83704

Agent for process of service: CT Corporation System, 818 W. Seventh Street, Los Angeles, CA 90017

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Schedule A attached hereto and incorporated herein.

Place:

M&M Reporting, 421 W. Frankling Street (downtown), Boise,
ID 83702

Date and Time:

6/10/11 5:00 p.m. MDT

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: May 27, 2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

Janel Thamkul

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Hotfile Corp. & Anton Titov

, who issues or requests this subpoena, are:

Janel Thamkul, Esq., Farella Braun & Martel, LLP, 235 Montgomery Street, 18th Floor, San Francisco, CA 94104
Telephone: (415) 954-4400, Facsimile: (415) 954-4480, Email: jthamkul@fbm.com



without your permission, or the authorized representative of such a copyright owner.” See <http://hotfile.com/ippolicy.html> as amended from time to time.

9. If any document is not produced on the basis of a claim of privilege or for any other reason, identify the document with particularity, including without limitation the author(s), any recipient(s), any other individual or entity to whom the document has been shown or transmitted, any other individual or entity with whom the document has been discussed, the number of pages, attachments, and appendices, the date of the document, a description of the subject matter sufficient to form the basis of a claimed privilege and to uniquely identify the document, and a short statement of the nature of the claimed privilege or reason for withholding production.

10. A protective order has been submitted to and approved by the Court in this action and will be provided to you.

DOCUMENTS TO BE PRODUCED

REQUEST NO. 1:

DOCUMENTS reflecting, referring to or discussing each and every DMCA TAKEDOWN NOTICE that YOU sent to HOTFILE or LEMURIA on behalf of any or all PLAINTIFFS, including DOCUMENTS sufficient to show without limitation:

- a. The individual who sent the DMCA TAKEDOWN NOTICE;
- b. The IP address used to send the DMCA TAKEDOWN NOTICE;
- c. The specific PLAINTIFF on whose behalf the DMCA TAKEDOWN NOTICE was sent;
- d. The date on which each DMCA TAKEDOWN NOTICE was sent;
- e. The recipient of each DMCA TAKEDOWN NOTICE;
- f. The physical or e-mail address to which the DMCA TAKEDOWN NOTICE was sent;
- g. The content file which was requested to be taken down;
- h. The bases for each DMCA TAKEDOWN NOTICE;

- i. HOTFILE'S or LEMURIA'S response to the DMCA TAKEDOWN NOTICES referenced in (1) above.

REQUEST NO. 2:

DOCUMENTS showing or suggesting that HOTFILE failed to expeditiously take down or disable access to specific infringing content of which it had knowledge (including actual knowledge or "red flag" knowledge) of infringement.

REQUEST NO. 3:

DOCUMENTS related to any instance in which YOU or any PLAINTIFF decided not to send a DMCA TAKEDOWN NOTICE with respect to hotfile.com, including but not limited to any DOCUMENTS reflecting any reason for not sending the DMCA TAKEDOWN NOTICE.

REQUEST NO. 4:

DOCUMENTS showing the copyrighted works that are believed to be included in any file that PLAINTIFFS have asked YOU to be taken down from hotfile.com.

REQUEST NO. 5:

DOCUMENTS reflecting, referring to or discussing any and all investigations of HOTFILE or LEMURIA.

REQUEST NO. 6:

All agreements and contracts between YOU and any or all PLAINTIFFS or their agents.

REQUEST NO. 7:

All DOCUMENTS including instructional or training manuals, and guidelines showing or in any way reflecting any processes, policies, procedures, protocols or algorithms that YOU or any PLAINTIFFS use or have used to investigate and identify infringing works on hotfile.com.

REQUEST NO. 8:

All DOCUMENTS including instructional or training manuals, and guidelines showing or in any way reflecting any processes, policies, procedures, protocols or algorithms that YOU or any PLAINTIFFS use or have used in formulating, sending or deciding to send DMCA TAKEDOWN NOTICES to hotfile.com.

REQUEST NO. 9:

All correspondence between YOU and any or all PLAINTIFFS or their agents reflecting, referring to or discussing hotfile.com.

REQUEST NO. 10:

DOCUMENTS that relating to any voluntary or promotional placement or posting of PLAINTIFFS' copyrighted works on the Internet, including without limitation uploads to hotfile.com, by YOU or PLAINTIFFS or their agents, including but not limited to placement or posting of copyrighted works on the Internet for promotion, distribution, or sale.

REQUEST NO. 11:

All DOCUMENTS regarding HOTFILE, Anton Titov or LEMURIA.

REQUEST NO. 12:

All DOCUMENTS relating to the legitimacy or illegitimacy of the business models of online file-hosting or file-sharing services, including hotfile.com, RapidShare, MegaUpload, MediaFire, DepositFiles, Google Docs, Xdrive, iLike, Photobucket, Myspace, AOL Video, Amazon Cloud, and Windows Live SkyDrive.

REQUEST NO. 13:

All DOCUMENTS regarding the following content protection technologies: digital rights management and digital fingerprinting (including Vobile).

REQUEST NO. 14:

All correspondence or other communication of any kind between YOU and HOTFILE, Anton Titov, or LEMURIA.

REQUEST NO. 15:

All communications regarding YOUR or any PLAINTIFF'S use of any SRA with hotfile.com.

REQUEST NO. 16:

DOCUMENTS sufficient to show every IP address and the identity of every individual who has sent DMCA TAKEDOWN NOTICES to HOTFILE or LEMURIA on behalf of any or

all PLAINTIFFS or who is involved in deciding when and how to send a DMCA TAKEDOWN NOTICE to HOTFILE or LEMURIA for the past three years.

REQUEST NO. 17:

DOCUMENTS sufficient to show every use that YOU or any PLAINTIFF has made of any SRA with hotfile.com, including the account name, date, time and files deleted and the identity of YOUR employees or agents who utilized the SRA.

REQUEST NO. 18:

DOCUMENTS sufficient to show each and every of YOUR employees' or agents,' including Thomas Sehested's, Samuel Bahun's, and Brad Beutlich's, responsibilities at DTECNET and his or her role in sending DMCA TAKEDOWN NOTICES to HOTFILE or LEMURIA on behalf of any or all PLAINTIFFS, including but not limited to organizational charts.

REQUEST NO. 19:

DOCUMENTS sufficient to show the technologies that YOU and any or all PLAINTIFFS use to identify, remove, block or filter access to copyright infringing works on hotfile.com or to generate DMCA TAKEDOWN NOTICES as noted in (1) above.

REQUEST NO. 20:

DOCUMENTS reflecting, referring to or discussing how PLAINTIFFS discern between infringement and fair or authorized use of their copyrighted works on the Internet, including but not limited to DOCUMENTS relating to any challenges and difficulties that YOU and any or all PLAINTIFFS face in doing so.

REQUEST NO. 21:

DOCUMENTS showing or reflecting the burden on DTECNET to use the DMCA takedown procedure or Hotfile SRA to effectuate content protection with HOTFILE.